

On April 9 and April 15, 1935, the United States attorneys for the Western District of Pennsylvania and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 171 cases of tomato sauce at Pittsburgh, Pa., and 7¾ cases of tomato sauce at Jersey City, N. J., alleging that the article had been shipped in interstate commerce in part on or about October 18, 1934, by Ossola Bros., from New York, N. Y., and in part on or about November 8, 1934, by the Greco Canning Co., Inc., from San Jose, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Grande Italia Brand Naples Style Pure Tomato Sauce * * * Packed in California Ossola Brothers, Inc., New York Pittsburgh."

The article was alleged to be misbranded in that the statements, "Grande Italia" and "Naples Style" together with the map of Italy and the picture of tomatoes so designed as to make them appear to be pear-shaped, or Italian tomatoes, appearing on the label, were misleading and tended to deceive and mislead the purchaser when applied to a domestic tomato sauce. Misbranding was alleged for the further reason that the statement on the label, "Ossola Brothers, Inc.", was misleading and tended to deceive and mislead the purchaser since it implied that Ossola Bros., Inc. were the packers, which was not the case. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On June 18, 1935, Ossola Bros., Inc., having appeared as claimant for the property seized at Pittsburgh, Pa., and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department. On July 13, 1935, no claimant having appeared for the product covered by the remaining case, judgment was entered condemning it and ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24932. Adulteration of tomato catsup. U. S. v. 20 Cases and 28 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 35410, 35618. Sample nos. 26252-B, 35781-B.)

These cases involved interstate shipments of tomato catsup that contained insect and worm debris.

On April 20 and June 14, 1935, the United States attorneys for the Districts of Idaho and Wyoming, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 20 cases of tomato catsup at Twin Falls, Idaho, and 28 cases of tomato catsup at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about March 14 and April 13, 1935, by the Weber Packing Corporation from Ogden, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Utah Lyon Brand Packed by Weber Packing Corporation Ogden, Utah."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 28 and October 21, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24933. Adulteration of tomato catsup. U. S. v. 52 Cases, et al., of Catsup. Decrees of condemnation and destruction. (F. & D. nos. 35413, 35499. Sample nos. 26149-B, 26296-B.)

These cases involved shipments of tomato catsup that contained worm and insect debris.

On April 24 and June 4, 1935, the United States attorneys for the Districts of Idaho and Wyoming, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 52 cases of catsup at Pocatello, Idaho, and 12 cases and 8 cans of tomato catsup at Evanston, Wyo., alleging that the article had been shipped in interstate commerce in part on or about September 21, 1934, and in part on or about January 21, 1935, by the Utah Canning Co., from Ogden, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pierce's Tomato Catsup * * * The Utah Canning Co. Ogden, Utah."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 5 and June 14, 1935, no claim having been entered for the product seized in the District of Idaho, and the Utah Canning Co., claimant in the remaining case, having consented to the entry of a decree, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24934. Misbranding of canned peas. U. S. v. 747½ Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35447. Sample no. 23670-B.)

This case involved an interstate shipment of canned peas that fell below the standard established by this Department because of the presence of an excessive number of hard peas, and that were not labeled to indicate that they were substandard.

On April 30, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 747½ cases of canned peas at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about September 29, 1934, by the Elkhart Lake Canning Co., from Elkhart Lake, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Expert Sweet Peas * * * Distributors Jesse C. Stewart Co., Pittsburgh, Pa."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food because of the presence of an excessive number of hard peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On July 11, 1935, the Jesse C. Stewart Co., Pittsburgh, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

24935. Adulteration and misbranding of egg noodles, macaroni, and spaghetti. U. S. v. 97 Cases of Egg Noodles, et al. Default decrees of condemnation. Portion delivered to charitable institutions; remainder destroyed. (F. & D. nos. 35462, 35472, 35473, 35485, 35486, 35487, 35490, 35491, 35505, 35506, 35582. Sample nos. 21371-B, 21372-B, 21373-B, 24308-B, 28693-B to 28699-B incl., 36044-B to 36048-B incl., 36056-B, 36057-B, 36409-B, 37282-B.)

These cases involved egg noodles and macaroni which contained soybean meal and turmeric, a yellow coloring substance.

On or about May 6, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 152 cases and 59 cartons of egg noodles at Baltimore, Md. Between the dates of May 8 and May 29, 1935, libels were filed against 199 cases of egg noodles and 36 cases of macaroni at Baltimore, Md.; 340 cases of egg noodles and 1,433 cases of macaroni at Buffalo, N. Y.; 232 cases of egg noodles and 681 cases of spaghetti at New York, N. Y.; and 149 cases of egg noodles at Trenton, N. J. The libels charged that the articles had been shipped in interstate commerce between the dates of February 5 and May 10, 1935, by the Keystone Macaroni Manufacturing Co., from Lebanon, Pa., that they were misbranded, and with the exception of one lot of macaroni, were also adulterated in violation of the Food and Drugs Act. Portions of the articles were labeled in part, variously: "Pure Egg Noodles Keystone Macaroni Manufacturing Co. Lebanon, Pa."; "Pure Semolina"; "Asco Brand Egg Noodles * * * All Asco Egg Noodle products are guaranteed to be the finest possible quality. * * * American Stores Co. Distributors—Philadelphia"; "Great Lakes Pure Egg Noodles"; "Tagliatelle Fine Bologna Style Macaroni * * * Niagara Mac. Mfg. Co. * * * Buffalo, N. Y."; "Krasdale Brand Pure Egg Noodle Distributor A. Krasne New York City"; "Krasdale Brand Spaghetti"; "San Giorgio Brand Macaroni Extra Fine Gragnano Style Pure Semola Finest Italian Style Macaroni * * * Keystone Macaroni M'FG Co."; "Alimentary Paste Genova [or "Naples" or "Bologna"] Style Macaroni Extra Quality * * * Manufactured by Keystone Macaroni Mfg. Co."